

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

PATRICIA KAMMEYER, et al.	:	Case No. C-1-01-649
Plaintiffs	:	Spiegel, J. Black, M.J.
vs.	:	
CITY OF SHARONVILLE, et al.	:	<u>PLAINTIFFS' MOTION TO CONTINUE MOTIONS HEARING AND MEMORANUDM IN SUPPORT</u>
Defendants	:	
	:	

MOTION

Plaintiffs respectfully request that the Court reschedule the motions hearing set for February 24, 2005. Plaintiffs request that the hearing be set for March 23, 2005.

MEMORANDUM

Defendants have filed a motion for summary judgment and requested oral argument on the motion. The court set argument for February 24, 2005 (Doc. 216), a day when the lead plaintiffs' attorney is in trial before Judge Beckwith in *Cincinnati Women's Services v. Taft*, C-1-98-289. Plaintiffs advised the court of the conflict and the court offered March 23, 2005 as a new date and requested that plaintiffs seek concurrence of defense counsel. The attached letter reveals that defense counsel will only agree to extend the argument if the trial date of May 10 is also extended. They provide no explanation. There is no need to extend the trial date and plaintiffs cannot agree to do so as they have already waited 24 years for justice in this matter. This dispositive motion is one that must be argued by lead counsel for plaintiffs and others assisting on the case cannot assume this task. There is no problem allowing argument to go forward on March 23. In the alternative, if the court will set the argument for 5:30 p.m. on

February 24, 2005, plaintiff will most likely be done in court before Judge Beckwith for the day. This is not ideal as plaintiffs' counsel will be primarily attending to the matter in trial but if this keeps the case on track, plaintiffs offer it as a solution.

Respectfully submitted,

/s/ Alphonse A. Gerhardstein
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Certificate of Service

I here by certify that on February 9, 2005, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Alphonse A. Gerhardstein
Alphonse A. Gerhardstein